

Might v Right in the South China Sea: The Tension Between China and the Philippines

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The dispute in the resource-rich South China Sea (SCS) has been dragging on for years. It involves several Southeast Asian countries plus China. The Philippines has asserted its rights in the West Philippine Sea (WPS) — local term for the waters it claims in the SCS, specifically the Scarborough Shoal and some parts of the Spratly Islands.

First and foremost, it should be noted that China neither acknowledged nor accepted the [2016 SCS Arbitral Ruling](#) by an international tribunal in The Hague constituted under Annex VII to the UNCLOS (“Convention”). Chinese **President Xi Jinping said that** “China’s “territorial sovereignty and marine rights” in the seas would not be affected by the ruling” because “[in its view](#), the tribunal lacks jurisdiction in this matter.”

China’s response to the ruling is inconsistent with international law vis-a-vis its ratification of the said Convention in 1996. According to the [provisions of the Convention](#) (p. 34-36), although informal mechanisms (“any peaceful means of their own choice”) are granted to parties in the settlement of disputes, a recourse to third-party adjudication is necessary should negotiations fail; the results of which are always binding. In this regard, China is bound to adhere to the ruling — whether or not it rules in its favor — as prescribed by the Convention. Yet, its [inflammatory behavior](#) in the contested waters continues — not only an explicit disregard for international law but also a flagrant display of might.

The UN has time and again reminded us of its ineffectiveness as an international organization through its neglect in the enforcement of the aforementioned ruling, which disrupts regional peace and security that could precipitate into an armed conflict between superpowers (more on this later). It instead [called for](#) China-ASEAN consultations for SCS code of conduct (CoC), which is already in the pipeline. Although the ASEAN has proven its impotence in brokering a lasting resolution to the dispute, strict adherence to the upcoming CoC is yet to be seen.

A situation wherein a small state challenges a regional superpower does not bode well; namely, the Philippine military budget is only [1.2 percent](#) of China’s defense spending. Against the ongoing (military) crisis in the WPS, how is the Philippines under the current **Ferdinand Marcos, Jr. administration** able to hold the line?

In the spirit of practicing [maximum tolerance](#) to de-escalate tension in the contested

waters, the Philippines has lodged at least [130 diplomatic protests](#) under the Marcos administration. Diplomatic channels remain the first and most pragmatic approach towards conflict resolution. Nonetheless, in view of the latest military row at sea, the country has strengthened its [defense cooperation](#) with the United States and other regional powers.

More than just ramping up the country's defense capabilities, the rehabilitation of US-PH defense alliance ignites the palpable geopolitical tension between the US and China in the SCS, which is one of the world's busiest shipping routes "[through which more than 20 percent of global trade passes.](#)" Further to the [economic dimension](#), the SCS is a strategic waterway for China amid Washington's policy of containment. [According to Prof. Maria Thaemar Tana](#),

"The South China Sea provides a buffer zone for China, which is critical given the US presence in the region. Controlling the area increases China's military power and deters potential threats."

The unstoppable rise of China challenges the global balance of power, which in turn threatens the position of the US as the sole global hegemon. In its efforts to contain China, the US has entered into defense alliances with Asia-Pacific countries — the Philippines among others. The geographic location of the PH [in relation to Taiwan](#) and the existing China-PH crisis in the WPS are essentially the *raison d'être* for the reinforcement of the US-PH Mutual Defense Treaty (MDT). In other words, the US is leveraging the WPS crisis to militarize the SCS and subsequently encircle its perceived "threat".

As **former Philippine Foreign Secretary Teodoro Locsin** [said](#):

"No other country feels the significant impact of the rivalry between the two superpowers more than the Philippines, the U.S. being its only defence treaty ally and China its biggest neighbour and top economic partner - with the U.S. second."

The security dilemma in the WPS is very absolute: the countervailing effect of the US-PH alliance against Chinese aggression tends to be more escalatory by projecting the intention of containment rather than of deterrence. This only further places the Philippines in hot water with China.

But note that since the 2016 ruling is legally binding, why are there no sanctions of any kind imposed on China? Why did the US, being the "international police", allow the dispute to escalate over the years, while continuously parroting adherence to international law?

Indeed, Politics and International Relations are more complicated than simple. They orbit around multiple layers of diplomacy and military showdown without necessarily winding up in lasting dispute settlement.

At best, ASEAN, as a preferred regional venue for dialogue and negotiations, should broker a binding code of conduct with sanctions should parties fail to carry out their obligations.

At worst, both parties, the Philippines and China, should practice "modus vivendi" that

allows conflicting parties to coexist, co-operate, and collaborate — limiting the MDT with the US and pursuing a functional independent foreign policy.

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Featured image: In this handout photo provided by the Philippine Coast Guard, a China Coast Guard ship uses water cannon on Philippine navy-operated supply boat M/L Kalayaan as it approaches Second Thomas Shoal in the disputed South China Sea on Sunday, December 10, 2023 [[Philippine Coast Guard via AP](#)]

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